



Board of Election Commissioners for the City of Chicago

Minutes Regular Board Meeting

February 27, 2018, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Charles Holiday, Assistant Executive
Adam W. Lasker, General Counsel
James P. Allen, Communications Director
Bill Perez, Coordinator Hispanic Outreach
Lorel Blameuser, Purchasing Agent
Gary Ryczyn, Consultant
Michal Czech, Videographer
Trish Sheehy

Guests:

Sandy Hed, Election Works
Helene Gabelnick, League of Women Voters of Chicago
Judd Ryan, ES&S
C. Betty Magness, Rainbow PUSH Coalition

- I. Call to Order: The meeting was called to order at 9:36 a.m.
- II. Roll Call: All members of the Board were present
- III. Consideration of Agenda: General Counsel Adam Lasker asked that the Board table agenda item VII G, (Removal of Judge of Election Nicole Cunningham), until after Executive Session. The Board agreed to table the item until after the executive session
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of January 23, 2018. Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of January 23, 2018. Commissioner Kresse seconded the motion. The Minutes of January 23, 2018 were approved by unanimous vote of the Board.
- V. Executive Director's Report (Lance Gough)
 - Mr. Gough reported that we had a meeting regarding pre-trial detainees and that Board staff will be going out to Cook County jail later this month for the detainees to vote.

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- The City of Chicago's Fleet and Facility Management Department (2FM) is coming to review our space. Now is a good time for 2FM to do this review, as we are at capacity right now.
- On Friday, staff will have a meeting with the Department of Justice (DoJ) regarding polling place accessibility.
- We have approximately 18,000 Vote by Mail ballots ready to be mailed. These will go out soon, once we get all of our ballot styles finalized. We are still waiting on the Seventh Cook County Board District. Right now the candidate Montes is off the ballot. If the court tells us that he has to go on we will have to rerun those ballots. We are getting ready to notice people off the ballot if need we need to. 3xData, our mailing house, is ready to go whichever way we go as soon as they get them the material. The numbers from 16 W Adams are impressive. Mr. Gough has gone to 16 W. Adams and is very pleased at how the Early Voting site has turned out. The staff did an excellent job putting this together. Commissioner Swain pointed out that we really cannot compare with 2014 because of required starting dates, but with respect to Vote by Mail 18,600 is significantly higher than 2014. Communications Director Allen stated that we are even ahead of 2010. Mr. Gough pointed out that we have an additional 2,600 to be added to the 18,600, from the online system. We have 17 more days of Vote by Mail. Commissioner Swain stressed that at this rate we will be significantly higher than in 2014. Commissioner Kresse inquired as to whether there's enough time for Military and Overseas voters to receive and return their ballots. Mr. Gough responded that we have already sent some through the online system (Federal Post Card Application – fPCA) and received some of them back. Mr. Gough reported that regarding Election Judges, we are down some, still need some up north. Assistant Director Charles Holiday will report on this item.

A. Assistant Executive Director (Charles Holiday)

- Regular registration closed on February 19th.
- Grace Period voting started in the Board's offices on the 6th floor of 69 W. Washington and at the supersite 16 W. Adams.
- Online registration will be ongoing until midnight March 4th. We're getting approximately 125-250 online registrations per day. The Registration Department is keeping up with that. Commissioner Swain wanted to know if we can tell if these are corrections or new registration. Mr. Holiday answered that some are change of address and some are new registrations. With changes of address being at a higher percentage than new registrations.
- Training is ongoing for the Judges of Election.
- There are 3,752 Judges of Election vacancies; 1,390 Democratic, 2,362 Republican. The Judges Department is still processing and trying to get judges. The Chairwoman asked if Mr. Holiday thought that we will get enough Judges to fill these vacancies. Mr. Holiday said that he thought that we would, and that we are also recruiting standby judges and we may have to take from this standby pool to fill the vacancies up north. Each precinct has at least 3 judges. There is no precinct without any judges. Commissioner Swain inquired as to the shortage of

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judges on north side. Mr. Gough pointed out that those precincts tend to have younger more transient populations, which are less likely to sign up to be pollworkers. In older, more stable communities we tend to have enough, sometimes a surplus of judges. Commissioner Swain clarified that it's areas where we have new population, new growth, that we have more challenges to get pollworkers. Commissioner Kresse, inquired as to whether we would have enough time to train individuals if they signed up now. Mr. Gough responded that, yes, there would be enough time. Audra Lewicki (Community Services Director) has Judges of Election training scheduled up to a couple of days before the election, same for Election Coordinators. It's a 5 hour session for Judges of Elections. Election Coordinators have to attend 2 classes.

- We have approximately 1,236 Election Coordinators. We need about 634 more to have enough election coordinators to have one in each precinct. About 1,800 high school students are Election Coordinators; they have to be at least 18 years old and attend 2 classes.
- As of last night we had 29 polling place vacancies, locations where we previously had a polling place, but no longer; or locations where we sent out a lease agreement and it has not yet been returned. Mr. Gough added that we may also end up with last minute vacancies due to, say, a fire or boiler problems.
- We have started to receive Democratic specimen ballots, but we are not issuing any until we see, due to pending court action which precincts, if any, we will have to reprint.
- Mr. Holiday is working on the pre-election Canvass and equipment assignment list for the State.

B. Communications Director (James P. Allen)

- Recent projects included:
 - Signage for the Loop supersite – Michal Czech helped immensely with this at both the new supersite (16 W. Adams) and at the old supersite (15 W. Washington) in order to redirect voters to the new site.
 - Special call for Judges of Election and Election Coordinators went out, with a focus on the Northside.
 - We have been busy adjusting Early Voting and all online systems after a court order added a candidate back on the ballot in a Cook County Board District race; this included the Military and overseas system.
 - We have had meetings and status calls with Federal agencies, including the FBI, and state agencies regarding Military and Overseas ballots and security precautions
 - Preparing legal notices for Early Voting as well as polling places. The full polling place list will be published soon in the Sun-Times.
 - Various Media calls regarding the Cook County Assessor race.

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- We have completed the signoffs of the mailing to the first 1 million voter/households. We saved considerable postage with the pre-sort on this mailing. With the added investment of about \$2,500 we saved \$34,000 in postage by making drops at sectional center facilities instead of all at Chicago Main. As such, our postage tab should be less than \$310,000, compared to \$580,000 for the canvass.
- The IT staff has begun dispatching 300,000 emails to encourage Vote by Mail.
- We're already at about 18,000 Vote by Mail applications. We were processing about 200 on-line applications per day, but now we're processing about 2,600 per day. We are way ahead of 2010 when we had about a 16% turnout and we are also ahead of 2014. We still have 17 days to go and we are already well past what we did in those 2 elections. Both years were "no excuse" Vote by Mail
- The pre-election mailing to voters will also emphasize Vote by Mail to voters. So, we expect the Vote by Mail number to continue to go.
- A discussion ensued on potential Election Judge recruitment options. For this election radio stations WBEZ and WXRT are airing PSAs (public service announcements). WXRT has retweeted out our call. PSAs and social media are our main outlets because there is no funding for recruitment at this time. We are considering more church and faith-based recruitment after the election. Other suggestions included barber shops, beauty salons, tech start-ups, and providing CLE credit (continuing legal education) for lawyers. The Chairwoman suggested Mr. Lasker work toward the CLE option for attorneys.
- Commissioner Kresse asked if the emails being sent regarding Vote by Mail included a number where voters could complain if they had not requested the Vote by Mail ballot. Mr. Allen believes that the Vote by Mail phone number and email address was included in the notices, and that a simple reply to the email would also work. Mr. Allen will get email text copy to Commissioner Kresse.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration:** Currently working on these.
- B. Electronic Poll Books:** Judd Ryan of ES&S reported everything is going fine, initial data file was cut yesterday, and checking then when they clear Pre-LAT (pre-election Logic and Accuracy Test). The Pre-LAT is scheduled March 1 – March 13.
Mr. Allen pointed out that a new feature of the e-poll book is that the Judges of Election will periodically see a pop-up on the screen requiring them to enter the number of people in line. This should help us in knowing where additional help or equipment is needed during the day.
Mr. Gough added that all equipment, before it leaves the warehouse, goes through the Pre-LAT.
- C. Voting Equipment:** previously covered
- D. Legislation:** Matters mentioned at the last meeting are still moving through committees. Nothing substantive. No action regarding the 40 day requirement for Early Voting. Clearly an issue that needs to be resolved before next year as there is not 40 days between the

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Aldermanic/Municipal elections and any run-off.

VII. New Business

Because of changes in this election (specifically with ballots and early voting sites) we need to increase the annual cap on the Professional Service Agreements (PSAs) of 3 previously approved PSAs. The only change to each agreement is the cap. The hourly rate and all other terms remain the same. The caps differ between the 3 PSAs because the caps are determined by the duties of the specific contractors.

- A. Proposed amendment to the Professional Service Agreement with Dean Ftikas, maximum not to exceed \$70,000: a motion to approve the amended PSA with Dean Ftikas was made by Commissioner Kresse and seconded by Commissioner Swain. The motion passed and the Amended Professional Agreement was approved by a 3:0 vote of the Board.
- B. Proposed amendment to the Professional Service Agreement with Guillermo Perez: Commissioner Swain moved to approve the Amended PSA with Guillermo Perez in an amount not to exceed \$90,000. Commissioner Kresse seconded the motion and was approved by unanimous vote of the Board.
- C. Proposed amendment to the Professional Service Agreement with Gary Ryczyn: A motion to approve the amended PSA with Gary Ryczyn with an annual cap not to exceed \$103,000 was made by Commissioner Kresse and seconded by Commissioner Swain. The motion passed and the Amended Professional Agreement was approved by unanimous vote of the Board.

Attorney Contractor Agreements, with the law firm Reiter Burns, presented to the Board today, and are in relation to ongoing litigation. The two attorneys who have been working on the cases involved here have left the firms for which the Board had previously contracted for their services. While the Board has no issue with the previous firm, and believes that firm performed well, the Board believes it is in the Board's best interests to keep the cases with the attorneys who are most familiar with the cases and who have served the Board well. All of the forms and documents that outside counsel needs to sign and approve will be processed with the new firm. The process of file transfer is in progress.

- D. Proposed Attorney Contractor Agreement with Reiter Burns, for services related to litigation in case 16-cv-00217, and related matters: Commissioner Kresse moved to approve Attorney Contractor Agreement with law firm of Reiter Burns, for services related to litigation in the Federal Court case 16-cv-00217, and related matters at a rate of \$295 per hour for a term ending on the conclusion of this litigation. Commissioner Swain seconded the motion. The motion was passed and the Attorney Contractor Agreement was approved by unanimous vote of the Board
- E. Proposed Attorney Contractor Agreement with Reiter Burns, for services related to litigation in case No. 16-cv-07424, and related matters: Commissioner Swain made a motion to approve Attorney Contractor Agreement with the law firm of Reiter Burns, for continued representation in the matter of Kerlin vs. the Chicago Board of Election Commissioners at a rate of \$295 an hour for a term ending on the conclusion of this litigation, and related matters. Commissioner Kresse seconded the motion. The motion passed and the Attorney Contractor Agreement was approved by 3:0 vote of the Board.
- F. Proposed agreement with Pelegan for the printing of City Wide Ward Maps and Stickers: Board Purchasing Agent, Lorel Blameuser reported that we need to print maps to go to the

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precincts on Election Day. We have used Pelegan's service for this in the past and they have performed well. Because of the volume it is quicker and more efficient to have Pelegan prepare the maps then to prepare them in house. Pelegan also prints stickers/label for the training classes.

A motion to approve an agreement with Pelegan to produce city-wide ward maps and various labels in the amount not to exceed \$85,000, for a term beginning February 27, 2018 through November 30, 2018 was made by Commissioner Kresse. The motion was seconded by Commissioner Swain. The motion was passed and the agreement was approved by a unanimous vote of the Board.

G. Removal of Judge of Election Nicole Cunningham (tabled until after executive session)

VIII. Legal Report (General Counsel Adam Lasker)

- General Counsel Lasker reported that we have confirmed through the Illinois State Board of Elections that all of our equipment certifications are up to date and are in good standing for the March Primary. While we will have to address some recertification issues this summer to prepare for November, we are ready for March 20th and Early Voting.
- We are working with the ACLU and several other organizations on a "Know Your Rights" publication to educate the public, and in particular, Pre-trial detainees and people who are discharged from incarceration at completion of their sentences.
- Working with internal staff regarding Election Central, including preparation for the briefing session for the Attorneys and others who staff the phones. Also working with people internally to prepare our canvass schedule and all the necessary related documents and notices.
- Review of numerous polling place contracts.
- There are 3 cases up for judicial review; all are from the Cook County Officers Electoral Board.

IX. Financial Report

A. Balance Sheet and Voucher Listings for the City of Chicago – 2017 Appropriation – 17-13
dated February 27, 2018 in the amount of \$728,658.02: Commissioner Swain moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2017 Appropriation – 17-13 dated February 27, 2018 in the amount of \$728,658.02. Commissioner Kresse seconded the motion. The motion passed and the Balance Sheet and Voucher were approved by a 3:0 vote of the Board.

B. Balance Sheet and Voucher Listings for the City of Chicago – 2018 Appropriation – 18-01
dated February 27, 2018 in the amount of \$1,327,549.64. Commissioner Kresse moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2018 Appropriation – 18-01 dated February 27, 2018 in the amount of \$1,327,549.64. Commissioner Swain seconded the motion. The motion passed and the report was approved by unanimous vote of the Board.

C. Balance Sheet and Voucher Listings for the County of Cook – 2018 Appropriation – 18-01
dated February 27, 2018 in the amount of \$926,299.38. Commissioner Swain made a motion to approve Balance Sheet and Voucher Listings for the County of Cook – 2018 Appropriation – 18-01 dated February 27, 2018 in the amount of \$926,299.38. Commissioner Kresse seconded the motion. The motion and report were approved by unanimous vote of the Board.

X. Public Comment: NONE

XI. Executive Session: A motion to go into Executive Session to discuss pending litigation in accordance with Section 2(c)11 of the Open Meetings Act and employee discipline and

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dismissal of a specific employee in accordance with Section 2(c)1 of the Open Meetings Act was made by Commissioner Kresse, seconded by Commissioner Swain after unanimous vote to approve the motion, the Board entered into Executive Session at 10:10 a.m.

The Board returned to Open Session at 10:30 a.m. They took no action in Executive Session requiring any action in Open Session.

The Board resumed Open Session addressing Section VII (G) of the agenda. Removal of Judge of Election Nicole Cunningham. Mr. Lasker reported that we had received reports from several of our Election Judge Trainers that during on-going election judge training sessions this particular judge was quite disruptive during classes and was not participating and making it impossible for others to participate. She used very inappropriate language in talking with our election trainers that we believe amounts to flagrant misbehavior that warrants removal from the position under Section 14-5 of the Illinois Election Code.

Having heard the evidence and read reports in relation to the performance and behavior of the Judge of Election, a motion to remove Nicole Cunningham Judge of Election from said office for flagrant misbehavior pursuant to Section 14-5 of the Illinois Election Code was made by Commissioner Kresse, seconded by Commissioner Swain and the removal was approved by 3:0 vote of the Board. The Order was signed in Open Session.

Reopened the Legal Report section:

General Counsel Lasker reported receiving many emails and phone calls regarding the Municipal "City Key" card. There was an article in a newspaper that references a memorandum from the City Clerk that supposedly states that this card can be used to vote. Mr. Lasker thinks it's poorly written and adds to voters' confusion. Non-citizens cannot vote in Chicago Board of Election-run elections. People do not understand that the City Key card is just another form of identification allowed under Section 10 ILCS 5/5-9 for voter registration. But while non-citizens can obtain some of these documents, they cannot vote.

Commissioner Kresse asked if whether our forms are clear that only citizens can register and vote. Mr. Lasker responded that it is part of the attestation, and while there is no requirement to provide proof of citizenship, the registering voter must sign and attest that they are citizens. If non-citizens vote they can be deported. Commissioner Swain expressed his concerns and the need for the Board to articulate on our website that we are required to accept the City Key ID, and that we take no stance as to the use of this card.

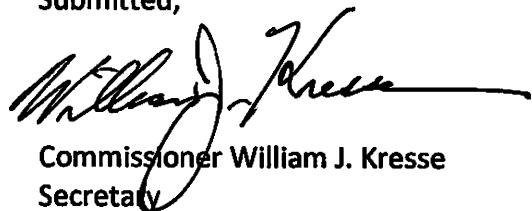
Discussion among the Commissioners, Executive Director Gough, General Counsel Lasker and Communications Director Allen ensued.

Commissioner Swain wants that our position be clearly stated on the Board's website that we will accept the municipal id as a form of a government issued ID as required by State Statute. We take no position about the validity of that ID, we are not to get into the politics as to whether it should or should not be issued. It is a government ID, we are required to accept government ID, and so we shall accept it. Mr. Allen will prepare materials along these lines.

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XII. Adjournment: Commissioner Swain moved to adjourn until the next Regular Board Meeting of March 13th or call of the Chair. Commissioner Kresse seconded the motion and the Board approved by unanimous vote of the Board. The meeting was adjourned at 10:50 a.m.

Submitted,

A handwritten signature in black ink, appearing to read "William J. Kresse".

Commissioner William J. Kresse
Secretary